

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUN 13 2001

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUN 13 2001

The applicant **Border Inn, LLC** hereby make(s) application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Underground**
2. The amount of water applied for is **0.0203** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Quasi-Municipal**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks") N/A.
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **within Lot 8 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T.14N., R.17E., M.D.B.&M., or at a point from which the SW corner of Section 30, T.14N., R.71E., M.D.B.&M., bears S. 50° 20' 52" W., 3,155.98 feet distant.**
6. Place of Use **Lots 8, 9, 10 and 12 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 30, T.14N., R.71E., M.D.B.&M. Nevada. and in Lots 6 and 8 and the S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 24, T.20S., R.20W., S.L.B.&M. Utah**
7. Use will begin about **January 1st** and end about **December 31st** of each year.
8. Description of proposed works **A well will be drilled and pumped into a Storage tank and then piped to the place of use.**
9. Estimated cost of works is **\$50,000**
10. Estimated time required to construct works **5 years**
11. Estimated time required to complete the application of water to beneficial use **8 years**

12. Remarks: The water will be to supplant the waters from Permit No. 64888. The water will supply the existing 40 room motel, restaurant & lounge, shower & laundry house and the proposed 80 room hotel and 40 space RV park. We are requesting 0.0203 cfs not to exceed 4.7859 mga.

Dean Neubauer, W.R.S., Agent

By s/Dean Neubauer

824 East Aultman Street

Ely, Nevada 89301

Compared my/ cmf lb/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 64888 and 67671 shall not exceed 6.16 million gallons annually.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0203 cubic feet per second, but not to exceed 2.98 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

June 15, 2003

Proof of completion of work shall be filed before:

July 15, 2003

Water must be placed to beneficial use on or before:

June 15, 2005

Proof of the application of water to beneficial use shall be filed on or before:

July 15, 2005

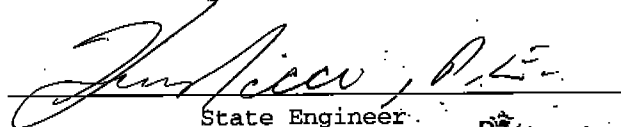
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 9th day of October, A.D. 2002


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

CANCELLED DEC 30 2004 BECAUSE OF FAILURE
OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT



STATE ENGINEER



